

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SLEEPY'S, LLC,

Plaintiff,

- against -

SELECT COMFORT WHOLESALE
CORPORATION, SELECT COMFORT RETAIL
CORPORATION and SELECT COMFORT
CORPORATION,

Defendants.

Civil Action No.

07 CV 4018 (Platt, J.)(Lindsay M.J.)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Memorandum & Order of Special Master Stephen G. Crane, dated February 27, 2012 (Docket No. 687), Defendant's Motion to Adopt and Modify the Special Master's Memorandum & Order on Defendant's Motion to Exclude Testimony and Evidence Regarding Plaintiff's Shop Reports, and all prior pleadings and proceedings had herein, Defendants Select Comfort Wholesale Corporation, Select Comfort Retail Corporation, and Select Comfort Corporation move this Court for an Order Modifying and Adopting the Special Master's Memorandum & Order on Defendant's Motion to Adopt and Modify the Special Master's Memorandum & Order on Defendant's Motion to Exclude Testimony and Evidence Regarding Plaintiff's Shop Reports, dated February 27, 2012, ruling on Defendant's Motion to Exclude Testimony and Evidence Regarding Plaintiff's Shop Reports, and granting such other and further relief as this Court may deem just and proper.

Date: March 5, 2012

OPPENHEIMER WOLFF & DONNELLY LLP

By: s/ Andrew S. Hansen

Andrew S. Hansen (AH 6788)

Andrew S. Hansen (AH 6788)

Heidi A.O. Fisher (HF 6782)

Joseph S. Miller (JM 8570)

3300 Plaza VII Building

45 South Seventh Street

Minneapolis, Minnesota 55402

Telephone: (612) 607-7000

Facsimile: (612) 607-7100

E-Mail: *ahansen@oppenheimer.com*

hfisher@openeheimer.com

jmiller@oppenheimr.com

**OLSHAN GRUNDMAN FROME ROSENZWEIG &
WOLOSKY LLP**

Herbert C. Ross, Jr. (HR 8482)

Park Avenue Tower

65 East 55th Street

New York, New York 10022

Telephone: (212) 451-2300

*Attorneys for Defendants Select Comfort Wholesale
Corporation, Select Comfort Retail Corporation, and
Select Comfort Corporation*